

### **Remarks/Arguments**

Claims 65-66, 68-78, 95 and 99-101 are pending in the application. By this amendment, claims 95, 99, and 100 have been amended, and new claim 102 has been added.

Applicant believes the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

#### **REJECTION UNDER 35 U.S.C. §112**

Claims 95 and 99 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the examiner states that the limitation “it” has insufficient antecedent basis in each of the claims. The rejection is respectfully traversed.

By this amendment, claims 95 and 99 have been amended to remove the word “it.” As the amendments have removed the grounds for rejection, Applicant respectfully requests withdrawal of the rejection.

#### **Rejection Under 35 U.S.C. §103(a)**

Claims 65, 66, 68-72, 95, and 99-101 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over French Patent No. 2,248,994 to Lazareth in view of U.S. Patent No. 5,634,600 to Kubota. The rejection is respectfully traversed.

Lazareth '994 teaches a first hopper for the reception of refuse, a crusher communicating with the hopper to reduce the refuse in size. The refuse are then mixed with a binder such as cement or a synthetic resin. The mixture is then received into a mold and is formed into blocks by vibrations or compression.

Kubota '600 teaches grinding the waste into small pieces by a grinding and stirring means and then this dry waste is periodically recovered and discarded. Thus, the end product

disclosed in Kubota '600 is unbound fragments of organic waste dust that must be removed periodically from the waste container.

Claim 99 has been amended to expressly call for, in relevant part, a process comprising providing a receiving module removably mounted to a processing module, with the receiving module having a perforated liner, collecting organic waste by placing the organic waste in the perforated liner of the receiving module when the receiving module is removed from the processing module, reducing the organic waste to pieces, transferring the pieces to the processing module by passing the pieces through the perforated liner, mixing the pieces with a biodegradable binder to form a mixture, and forming a unitary biodegradable solid from the mixture by drying the mixture.

The combination of Lazareth '994 and Kubota '600, regardless of how they are combined, will not include the claimed perforated liner, reducing the waste to pieces in the perforate liner and transferring the pieces to the processing module by passing the pieces through the perforated liner. Neither Lazareth '994 nor Kubota '600 discloses such a perforated liner. Given that neither Lazareth '994 nor Kubota '600 disclose such a perforated liner, the combination of the two references will also not disclose such a perforated liner. One of ordinary skill in the art would not look at the combination and then decide to have a receiving module with a perforated liner as each teaches a receiving module without a perforated liner. As the combination does not reach the claimed invention, claim 99 is non-obvious and therefore patentable over the combination.

Claims 65-66, 68-72, 95, and 100-101 depend from claim 99 and they are for the same reasons patentable over Lazareth '994 in view of Kubota '600. Applicant requests withdrawal of the rejection, and the allowance of claims 65, 66, 68-72, 95, and 99-101.

Claims 66, 68-72, 95, and 99-101 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,102,263 to Forsberg in view of U.S. Patent No. 5,634,600 to Kubota. The rejection is respectfully traversed.

Forsberg '263 teaches putting paper products in a receptacle, shredding the paper material with a cutter. Spraying the paper products with a chemical and after the paper products have fallen, by gravity, into a mold teaches that a ram compresses the paper products.

The combination of Forsberg '263 and Kubota '600, regardless of how they are combined, will not include in the claimed perforated liner, reducing the waste to pieces in the perforate liner and transferring the pieces to the processing module by passing the pieces through the perforated liner. Neither Forsberg '263 nor Kubota '600 discloses such a perforated liner. Given that neither Forsberg '263 nor Kubota '600 disclose such a perforated liner, the combination of the two references will also not disclose such a perforated liner. One of ordinary skill in the art would not look at the combination and then decide to have a receiving module with a perforated liner as each teaches a receiving module without a perforated liner. As the combination does not reach the claimed invention, claim 99 is non-obvious and therefore patentable over the combination.

Claims 66, 68-72, 95, and 100-101 depend from claim 99 and they are for the same reasons patentable over Forsberg '263 in view of Kubota '600. Applicants request withdrawal of the rejection, and the allowance of claims 66, 68-72, 95, and 99-101.

Claim 73 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over French Patent No. 2,248,994 to Lazareth in view of U.S. Patent No. 5,634,600 to Kubota and further in view of U.S. Patent Application Publication No. 20040108277 to Krulik. The rejection is traversed.

Kruklik '277 discloses a method for pre-treating wastewater that is to be subsequently used in reverse osmosis filtration. Small amounts of chemicals are added to the wastewater to promote formation of filterable particles. These particles are then removed prior to the reverse osmosis treatment.

Applicants respectfully reiterate their argument that Kruklik '277 is non-analogous art as stated in Applicant's previous Response to the Office Action mailed October 22, 2008. To reduce the length of an already lengthy response, Applicant will not restate the entirety of that argument here, but does incorporate it by reference. The combination is further improper for the

same reasons as stated above for the underlying combination of Lazareth '994 in view of Kubota '600. The addition of Krulik '277 does not address the previously stated shortcomings of the underlying combination, even if Krulik '277 was analogous art.

Assuming, *arguendo*, that the combination is tenable, the combination does not teach or suggest all the claim limitations, and the claim limitations not taught would not have been obvious to one of ordinary skill in the art. None of the references forming the combination of, Lazareth '994 in view of Kubota '600 and further in view of Krulik '277 disclose the perforated liner as found in claim 99. As discussed above, Lazareth '994 and Kubota '600 do not disclose such a perforated liner. Krulik '277 also does not disclose such a perforated liner. Thus, regardless of how they are combined, they will not include the perforated liner found in claim 99. Therefore, claim 99 is not obvious in view of the combination.

Claim 73 depends from claim 99 and, for the same reasons, is patentable over Lazareth '994 in view of Kubota '600 and further in view of Krulik '277. Applicant requests withdrawal of the rejection, and the allowance of claim 73.

Claim 73 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,102,263 to Forsberg in view of U.S. Patent No. 5,634,600 to Kubota and further in view of U.S. Patent Application Publication No. 20040108277 to Krulik. The rejection is traversed.

The combination is traversed for the same reasons as stated above for Forsberg '263 in view of Kubota '600. The additional of Krulik '277 does nothing to remedy the shortcomings of Forsberg '263 in view of Kubota '600. The new combination also does not disclose the perforated liner as required by claim 99, which claim 73 ultimately depends. As discussed above, the combination of Forsberg '263 in view of Kubota '600 does not disclose such a perforated liner. Krulik '277 also does not disclose such a perforated liner. Given that none of the references disclose such a perforated liner, the combination of the additional reference will also not disclose such a perforated liner. Therefore, claim 99 is not obvious in view of the combination.

Claim 73 depends from claim 99 and, for the same reasons, is patentable over Forsberg

'263 in view of Kubota '600 and further in view of Krulik '277. Applicant requests withdrawal of the rejection, and the allowance of claim 73.

Claims 74-78 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over French Patent No. 2,248,994 to Lazareth in view of U.S. Patent No. 5,634,600 to Kubota and further in view of U.S. Patent No. 5,772,721 to Kazemzadeh. The rejection is traversed.

Kazemzadeh '721 discloses a substantially odorless and sterilized fertilizer in pellet form is produced by combining a dry organic waste material and a dry binder material, then combining the resulting dry mixture with steam, water and/or further organic waste in the form of sludge. That mixture is provided to an extruder where pressure and heat may be applied. The extruded material is forced through a die and the emerging material is segmented and dried, or segmented and tumbled to form pellets, then dried.

The combination is traversed for the same reasons as stated above for Lazareth '994 in view of Kubota '600. The additional of Kazemzadeh '721 does nothing to remedy the shortcomings of Lazareth '994 in view of Kubota '600. The new combination also does not disclose the perforated liner as required by claim 99. Kazemzadeh '721 does not disclose such a perforated liner. Given that none of the references disclose such a perforated liner, the combination of the additional reference will also not disclose such a perforated liner. Therefore, claim 99 is not obvious in view of the combination.

Claims 74-78 depend from claim 99 and, for the same reasons, are patentable over Lazareth '994 in view of Kubota '600 and further in view of Kazemzadeh '721. Applicant requests withdrawal of the rejection, and the allowance of claim 74-78.

Claims 74-78 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,102,263 to Forsberg in view of U.S. Patent No. 5,634,600 to Kubota and further in view of U.S. Patent No. 5,772,721 to Kazemzadeh. The rejection is traversed.

The combination is traversed for the same reasons as stated above for Forsberg '263 in view of Kubota '600. The additional of Kazemzadeh '721 does nothing to remedy the shortcomings of Forsberg '263 in view of Kubota '600. The new combination also does not disclose the perforated liner as required by claim 99. Given that none of the references disclose

such a perforated liner, the combination of the additional reference will also not disclose such a perforated liner. Therefore, claim 99 is not obvious in view of the combination.

Claims 74-78 depend from claim 99 and, for the same reasons, are patentable over Forsberg '263 in view of Kubota '600 and further in view of Kazemzadeh '721. Applicant requests withdrawal of the rejection and the allowance of claims 74-78.

Claims 66, 68, 77, and 99 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,312,753 to Kealey and in view of U.S. Patent No. 4,900,160 to Brooks. The rejection is traversed.

Kealey '753 teaches among other things a technique for making brownies including placing chocolate liquor and shortening into a bowl. Heating said mixture, adding additional ingredients, spreading those into a greased pan, and baking.

Brooks '160 teaches a pouring shield for a food mixer whereby a splash shield may rest on the top edge of a bowl and may accommodate various sizes of mixing bowls

Setting aside the issues of whether the Kealey '753 patent and the Brooks '160 patent are analogous art, and whether or not it would have been obvious to one of ordinary skill to combine the teachings of the Kealey '753 patent and the Brooks '160 patent, which assertions are not conceded, the alleged combination does not reach the claimed invention. Neither reference discloses a perforated liner as disclosed and claimed in the present invention. Given that none of the references disclose such a perforated liner, the combination of the additional reference will also not disclose such a perforated liner. Therefore, claim 99 is not obvious in view of the combination.

Claims 66, 68, and 77 depends from claim 99 and, for the same reasons, are patentable over Kealey '753 in view of Brooks '160. Applicant requests withdrawal of the rejection, and the allowance of claims 66, 68, 77, and 99.

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Examiner: Brittany M. Martinez  
Group Art Unit: 1793

### CONCLUSION

Applicant submits that all of the claims remaining in the application are allowable over the prior art of record. Nevertheless, Applicant is filing a Request for Continued Examination contemporaneously herewith pursuant to 37 C.F.R. §1.114. Prompt notification of allowability is respectfully requested. If there are any outstanding issues that the Examiner feels may be resolved by way of telephone conference, the Examiner is cordially invited to contact the undersigned to resolve these issues.

Respectfully submitted,

ALEXANDER MANU

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